19 47.

File No. B Essential Supplies and Commodities (Enhancement of Penalties) /47

Legal Department-

B BRANCH

K

28/6

Subject:—

L.A. Bill XLIII of 1947

A Bill to provide for Enhancement of Penalties for contravention of orders the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay essential Commodities and Cattle (control) Act, 1946,

Bom no XXXVI of 1947

1.22
E

File No. B Essential Supplies and Commodities (Enhancement of Penalties)/47 [illegible]

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 12TH SEPTEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindustani (i Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bomba Legislative Assembly Rules:—

L. A. BILL No. XLIII OF 1947.

A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

WHEREAS it is expedient to provide for the enhancement of penalties for contravention of orders made under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946; It is hereby enacted as follows :—

Short title and extent.

(*1*) This Act may be called the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Enhanced penalties for contravention of orders under Act XXIV of 1946 and Bom. XXII of 1946.

2. (*1*) Notwithstanding anything contained in the Essential Supplies (Temporary Powers) Act, 1946, whoever contravenes an order made or deemed to be made under section 3 of the said Act, and notwithstanding anything contained in the Bombay Essential Commodities and Cattle (Control) Act, 1946, whoever contravenes an order made or deemed to be made under section 4 of the said Act, shall be punished with imprisonment for a term which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine.

XXIV of 1946.

Bom. XXII of 1946.

(2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Provincial Government.

Magistrate's power to impose enhanced penalties.

3. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence provided in section 2, for contravening any order made or deemed to be made under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, or under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, in excess of his powers under section 32 of the said Code. V of 1898. XXIV of 1946. Bom. XXII of 1946.

Repeal.

4. ~~(1)~~ The Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947, is hereby repealed; and Bom. Ordinance No. III of 1947.

~~(2) For the avoidance of doubts~~ it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal ~~effected by this section~~ as if the ordinance were an enactment. Bom. I of 1904.

STATEMENT OF OBJECTS AND REASONS.

With a view to putting an adequate check on the evil of black-marketting, the Governor of Bombay promulgated on 29th August 1947, the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947. Under this Ordinance, provision is made for a maximum sentence of seven years' and a minimum sentence of six months' imprisonment as well as fine for offence punishable under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946. This Ordinance will expire at the end of six weeks from the date on which the Bombay Legislature meets. It is necessary to continue the provisions of th Ordinance. The Bill is intended to meet this purpose.

Dated 8th September 1947. (Signed) D. N. DESAI.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 11th September 1947.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

37 95
151

L. A. BILL No. XLIII OF 1947.

A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

WHEREAS it is expedient to provide for the enhancement of penalties for contravention of orders made under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946; It is hereby enacted as follows :—

XXIV of 1946. Bom. XXII of 1946.

1. (*1*) This Act may be called the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Act, 1947. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. (*1*) Notwithstanding anything contained in the Essential Supplies (Temporary Powers) Act, 1946, whoever contravenes an order made or deemed to be made under section 3 of the said Act, and notwithstanding anything contained in the Bombay Essential Commodities and Cattle (Control) Act, 1946, whoever contravenes an order made or deemed to be made under section 4 of the said Act, shall be punished with imprisonment for a term which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine. Enhanced penalties for contravention of orders under Act XXIV of 1946 and Bom. XXII of 1946.

XXIV of 1946.

Bom. XXII of 1946.

10

Bk Hb 196

(2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Provincial Government.

Magistrate's power to impose enhanced penalties.

3. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence provided in section 2, for contravening any order made or deemed to be made under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, or under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, in excess of his powers under section 32 of the said Code.

V of 1898.

XXIV of 1946.

Bom. XXII of 1946.

Repeal.

4. The Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment.

Bom. Ordinance No. III of 1947.

Bom. I of 1904.

34-95
183

STATEMENT OF OBJECTS AND REASONS.

With a view to putting an adequate check on the evil of black-marketting, the Governor of Bombay promulgated on 29th August 1947, the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947. Under this Ordinance, provision is made for a maximum sentence of seven years' and a minimum sentence of six months' imprisonment as well as fine for offence punishable under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946. This Ordinance will expire at the end of six weeks from the date on which the Bombay Legislature meets. It is necessary to continue the provisions of this Ordinance. The Bill is intended to meet this purpose.

Dated 8th September 1947.

D. N. DESAI.

Government of Bombay

LEGAL DEPARTMENT

A. BILL No. XLIII OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

[Mr. D. N. DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLIII OF 1947.

A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

(As read for the third time and passed by the Legislative Council on the 17th October 1947.)

WHEREAS it is expedient to provide for the enhancement of penalties for contravention of orders made under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946; It is hereby enacted as follows :—.

XXIV of 1946. Bom. XXII of 1946.

Short title and extent.

1. (*1*) This Act may be called the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Enhanced penalties for contravention of orders under Act XXIV of 1946 and Bom. XXII of 1946.

2. (*1*) Notwithstanding anything contained in the Essential Supplies (Temporary Powers) Act, 1946, whoever contravenes an order made or deemed to be made under section 3 of the said Act, and notwithstanding anything contained in the Bombay Essential Commodities and Cattle (Control) Act, 1946, whoever contravenes an order made or deemed to be made under section 4 of the said Act, shall be punished with imprisonment for a term which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine.

XXIV of 1946. Bom. XXII of 1946.

(2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Provincial Government.

Magistrate's power to impose enhanced penalties.

3. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence provided in section 2, for contravening any order made or deemed to be made under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, or under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, in excess of his powers under section 32 of the said Code.

V of 1898.

XXIV 1946.

Bom. XXII of 1946.

Repeal.

4. The Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment.

Bom. Ordinance No. III of 1947.

Bom. I of 1904.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIII OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

(As read for the third time and passed by the Legislative Council on the 17th October 1947.)

A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

[Mr. D. N. DESAI, M.L.A.]

BOMBAY PRINTED AT THE GOVERNMENT CENTRAL PRESS.

C O N T E N T S.

Legal Department File No. B Essential supplies & Commodities (Enhancement of Penalties) /47.

Sr. No.	Compilation No.	Subject	Pages.
		A Bill to provide for enhancement of penalties for contravention of order under the Essential Supplies (Temporary Powers) Act, 1946 and the Bombay Essential commodities and Cattle (control) Act, 1946.	
1.	U.R. to C.S.D. No 35-L, dated 17th September 1947.	Draft Bill	1-2.
2.	G.L.L.D. No.203-L dt.31st October 1947.	Seeking the Governor's assent.	3-6.
3.	L.D.R.I. No 435-L dated 6th November 1947.	Repugnacy of clauses 2 & 3 of the Bill.	7-8.
4.	L.D.R.I. No.14121 dated 27th November 1947 .	Governor General's assent.	9-10.
5.	U.R. to Advocate General 11319. dated 26th November 1947.	Seeking A.G.'s opinion.	11-16.
6.	L.D.R.I.No 710. dated 19th January 1948.	A.G.'s opinion.	17-18.
7.	G.R.L.D.No.7-L. dt. 11th September 1947.	Publication of the Bill.	19-24.
8.	G.R.L.D.No.11232. dated 25th November 1947.	Publication of the Act.	25-30.
9.	---	Details	31-48.

JPS. 10/5/56.
5 copies.

Office of the R.L.A.

The subject-matter of the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Bill, 1947, falls under entries 29 and 27 and 37 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935. The Bill seeks to enhance punishment for offences which fall under the Essential Supplies (Temporary Powers) Act, 1946,* and also seeks to change the provisions of the Criminal Procedure Code. Clauses 2 and 3 of the Bill are repugnant to the Essential Supplies (Temproary Powers) Act, 1946, and the Code of Criminal Procedure, 1898, respectively. It would therefore be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935. The Bill does not require any recommendation or sanction under the Government of India Act, 1935.

* and the Bombay Essential Commodities and cattle (control) Act, 1946,

2. The Civil Supplies Department is requested to obtain orders of Government in due course regarding the application of the proposed Act to the partially excluded areas in the Province of Bombay.

O.C.

Id/- S. B. P.

Remembrancer of Legal Affairs.

U.R. to C.S.D., No. 35-L, dated the 17th September 1947.

JPE. 10/5/56.
4 copies

IMMDIATE.

No. 203.
Legal Department.
Council Hall, Poona, 3/10/1947.

From

P.M.Lad, Esquire, I.C.S.,

Secretary to the Government of Bomaby.

To

The Private Secretary to the Governor of Bombay.

Subject:- A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commpdities and Cattle (Control).

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forwaxrd herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 7th and 17th October 1947, respectively.

2. The subject-matter of the Bill falls under entries 27, 29 and 37 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935.

3. TheBill seeks to enhance punishment for offences which fall under the Essential Supplies (Temporary Powers) Act, 1946. Clause 2 of the Bill is repugnant to the Essential Supplies (Temporary Powers) Act, 1946. It would, therefore, be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

4. I am also to forward herewith six copies of each of the items Nos. 1 to3 and two copies of

(1) Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
(2) Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.

(3) Bill as read for the third time and passed by the Bombay Legislative Council.
(4) Extracts from the proceedings of the Bombay Legislative Assembly dated the 7th October 1947 and of the Bombay Legislative Council dated the 17th October 1947) item No. 4 of the papers noted in the margin.

5. I am to state that the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947, would cease to operate on the 27th November 1947. It is therefore, necessary that the Bill should, after receiving the assent of His Excellency the Governor General, be published in the Bombay Government Gazette as an Act before the 27th November 1947. It is requested that His Excellency the Governor General may be moved to give his assent to the Bill before the 27th November 1947 and to convey the assent by telegram, as the new Act must come into force on that date and also to communicate the date on which the assent is given.

I have the honour to be,

Sir,

Your most obedient Servant,

Id/- P. M. L.
Secretary to Government.

O.C.

Through The Secretary to the Government of Bombay,
Civil Supplies Department.

JPE. 10/5/56.
4 copies.

No. P.S.G. 5298

From
L.E.Bagshawe, Esquire, ICS;
Private // Secretary to the Governor of Bombay.

To
The Secretary to the Bombay Legislature Department,
Council Hall,
Poona.

Government House,

Ganeshkhind, 5th November 1947.

Subject:- The Bombay Essential Supplies (Temporary Powers) and the Essential Commodities & Cattle (Control)(Enhancement of Penalties) Bill, 1947.

Sir,

With reference to the above Bill which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 7th and 17th October 1947, respectively, I am directed to state, for the information of the Honourable the President of the Bombay Legislative Council and the Honourable the Speaker of the Bombay Legislative Assembly, that as Clauses 2 and 3 of the Bill are repugnant nto the Essential Supplies (Temporary Powers) Act, 1946, and the Code of Criminal Procedure, 1898, repectively, it is necessary to reserve the Bill for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935. His Excellency the Governor is accordingly pleased under section 75 of the Government of India Act to declare that he reserves the Bill for the consideration of the Governor-General.

Your obedient servant,

Sd/- L.E.Bagshawe,
Private Secretary to the Governor ofBombay.

No. PSG- 5299
Office of the Private Secretary to the Governor.
Ganeshkhind, 5th November 1947.

Copy forwarded with compliements to-

The Secretary to Government, Legal Department, with reference to his letter, No.203-L, dated the 31st October 1947, and
The Secretary to Government, Civil Supplies Department,with reference to his endorsment, dated the 1st November 1947.

By order of the Governor of Bombay.

Sd/- L.E.Bagshawe.
Private Secretary to the Governor of Bombay.

JPE. 10/5/56.
4 copies.

No. P.S.G- 5520
Office of the Private Secretary to the Governor,
Government House,
Bombay, 26th November 1947.

From

L.E.Bagshawe, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay.

To

The Secretary to the Government of Bombay,
Legal Department.

Subject : The Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (control) Enhancement of Penalties) Bill, 1947.

Sir,

With reference to the correspodence resting with my lettxer No. P.S.G. - 5492, dated 22nd November 1947, on the subject mentioned above, I am to forward herewith the authentic copy of the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Bill, 1947, with His Excellency the Governor-General's assent.

Your obedient servant,

Sd/-

for Private Secretary
to the Governor of Bombay.

JPE. 10/5/56.
4 copies.

Office of the R.L.A.

STATEMENT OF THE CASE

Section 2 of the Bombay Essential Supplies (Temporary Powers) and Essential Commodities and Cattle(Control)(Enhancement of Panalties) Act, 1947, provides an enhanced penalty which may exted to seven years imprisonment for offences of contravention of orders made or deemed to be made under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, and section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946. Section 3 of the sameAct provides further that, notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence provided in section 2 in excess of his powers under section 32 of the said Code. The question for consideration is whether, under the Code of Criminal Procedure, such magistrates have jurisdiction to try such offence in view of the fact that the sentence of imprisonment awardable extends to a period of seven years.

2. Sub-section (1) of section 29 of the Code of Criminal Procedure lays down that, subject to the other provisions of the Code, any offence under any law, other than the Indian Penal Code, shall, when any court is mentioned in this behalf in such law, be tried by such court. Sub-section (2) of the said section states that, when court is so mentioned, it may be tried by the High Court or by any court constituted under this Code by which such offences shown in the 8th column of the 2nd Schedule should be tried. In the 2nd Schedule offence against laws other than the Indian Penal Code are shown in the 8th column as triable only by the court of sessions when they are punishable with imprisonment for seven years. The short question, therefore, is whether the courts of first

class magistrates specially empowered and of the Presidency Magistrates can be held to be courts mentioned in this behalf in the law relating to these offences within the meaning of section 29 as, otherwise, the cases would be triable exclusively by the court of sessions. There is no doubt from the provisions of the two Acts, the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946, read with section 3 of the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Act, 1947, that the intention of the legislature is that these offence should be triable by the magistrates. Section 3 of the last named Act expressly makes it lawful for these magistrates to pass sentences in excess of their powers and to the extent provided in section 2. Section 14 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, empowers magistrates to try summarily offences punishable under that Act. A like provision is contained in section 12 of the Essential Supplies (Temporary Powers) Act, 1946. These provisions are not repealed by th e Bombay Essential Commodities and Cattle (Control)(Enhancement of Penalties) Act, 1947. It can, therefore, be held that the offences in question are triable by the courts of first class magistrates and the Presidency Magistrates as courts mentioned for the purpose within the meaning of section 29 of the Code of Criminal Procedure. Unless it be so held, the provision empowering them to inflict a penalty in excess of their ordinary powers would be meaning less; such empowering pre-supposes the jurisdiction to try the case. In this connection reference may also be made to Queen Empress Vs. Schade (19 Allahabad 465) Wherein it was held that a court of senssion was not competen to try a case in view of the fact that the relevant section of the Opium Act provided that the conviction was to be by magistrate. In this view it would follow that the specially empowered magistrates and the Presidency Magistrates would

JPS. 10/5/56. 4copies.

have jurisdiction to try these offences. There is no express provision, however, in any of the three enactments mentioning specifically with reference to the entry in the Second Schedule that the offences are triable by the magistrates. A doubt has, therefore, been raised as regards their jurisdiction.

3. As the question is important and is not free from doubt, the Advocate General is requested to express his opinion on the point as early as possible.

Id/- P. M. L.
26/11

O.C.

Remembrancer of Legal Affairs.

U.R. to Advocate General, Bombay, No 11319, dated the 26th November 1947.

JPE. 10/5/56.
4 copies.

No. 10 of 1948.

Advocate General's Chambers,
High Court,
Bombay, 15th January 1948.

U.O.R. to the Advocate General of Bombay,
No. 11319 dated the 26th of November 1947.

==========

O p i n i o n.

I adopt and agree with the reasongingin the statement of the case by the R.L.A. Reading the provisions of the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle Control Act, 1946, with section 3 of the Bombay Act of 1947, the Legislature clealy intended that Magistrates should have jurisdiction to try the offences under the two former Acts. Section 12 and section 14 of these two Acts, though directed apparently to the method of trial, show the intention plainly, and section 3 of the last mentioned Act expressly ~~km~~ makes it lawful for Magistrates to pass sentences in excess of their powers under the Criminal Procedure Code. Section 29 of the Criminal Procedure Code directs an offence to be tried by that court, if any, which is "mentioned" in any lawm other than the Criminal Procedure Code. The Magistrates are Courts "mentioned" in the law in the said Acts, and in my opinion, the offences in question are triable by them, Having regard to the wording of section 29, I do not think it necessary for the Legislature specifically to make a reference to that section in the other law at all.

Sd/-
Advocate General.

JPS. 10/5/56.
4 copies.

Bills:

A Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

GOVERNMENT OF BOMBAY.

Legal Department,
Resolution No. 7-L
Council Hall, Poona, 11th September 1947.

Memorandum from the Civil Supplies Department dated the 10th September 1947-- Transferring for necessary action, the papers relating to a Bill to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

RESOLUTION.- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government XCentral Press, Bombay, for publication in the Bombay Government Gazette, dated the 12th September 1947, as Bill No. XLIII of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujrati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 16th September 1947.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,

Sd/- S.B.Palekar,
Deputy Secretary to Government.

Original.

To

The Manager, Government Central Press, Bombay (with the Bill and Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the Bombay Statement of Objects and Reasons may be forwarded to the Bombay Legislature Department for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 20 copies for the use of the Civil Supplies Department.

The Civil Supplies Department.)
The Oriental Translator to Government.) With a copy of the Bill and Statement of Objects and Reasons.
The Bombay Legislature Department.)
The Director of Publicity, Bombay.)
)

* With five extra copies of the Bill.

JPE. 10/5/56.
4 copies.

Acts.

Publication of the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Act, 1947.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 11232

Bombay Castle, 25th November 1947.

Letter to the Private Secretary to the Governor, No.203-L dated the 31st October 1947.

Letter from the Private Secretary to the Governor, No.P.S.G. 5492, dated the 22nd November 1947:-

"With reference to the correspondence resting with yourletter No. 10830, dated 15th November 1947, I am directed to inform you that intimation has been received from the Government of India, Ministry of Home Affairs, that His Excellency the Governor-General assented to the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Bill, 1947, on the 20th November 1947."

RESOLUTION:- The law should be published as Bombay Act, No. XXXVI of 1947, in the Bombay Government Gazette dated the 25th November 1947.

2. The Act should be translated into Marathi, Gujarati Kannada and Hindustani (in Urdu and Devanagri scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Civil Supplies Department with reference to the Memorandum farom that Department dated the 10th September 1947.

By order of the Governor of Bombay

Original

Sd/- S.B.Palekar,
Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Dept.

The Civil Supplies Department,)
*The Oriental Translator to Government,) with a copy
The Bombay Legislature Department,) of the Act.
The Director of Publicity, Bombay,

*With five extra copies of the Act.

JPE. 10/6/56. 4copies.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 25TH NOVEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. XXXVI OF 1947—An Act to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946 ...	357-358

The following Act of the Bombay Legislature having been assented to by the Governor General on the 20th November 1947 is hereby published for general information :—

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXVI OF 1947.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 25th November 1947.)

An Act to provide for enhancement of penalties for contravention of orders under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946.

XXIV of 1946. Bom. XXII of 1946.

WHEREAS it is expedient to provide for the enhancement of penalties for contravention of orders made under the Essential Supplies (Temporary Powers) Act, 1946, and the Bombay Essential Commodities and Cattle (Control) Act, 1946; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Act, 1947.

(2) It extends to the whole of the Province of Bombay.

Enhanced penalties for contravention of orders under Act XXIV of 1946 and Bom. XXII of 1946.

2. (*1*) Notwithstanding anything contained in the Essential Supplies (Temporary Powers) Act, 1946, whoever contravenes an order made or deemed to be made under section 3 of the said Act, and notwithstanding anything contained in the Bombay Essential Commodities and Cattle (Control) Act, 1946, whoever contravenes an order made or deemed to be made under section 4 of the said Act, shall be punished with imprisonment for a term which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine.

XXIV of 1946.

Bom. XXII of 1946.

(*2*) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Provincial Government.

Magistrate's power to impose enhanced penalties.

3. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence provided in section 2, for contravening any order made or deemed to be made under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, or under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, in excess of his powers under section 32 of the said Code.

V of 1898.

XXIV of 1946.

Bom. XXII of 1946.

Repeal.

4. The Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle (Control) (Enhancement of Penalties) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment.

Bom. Ordinance No. II of 1947.

Bom. I of 1904.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL